

REMARKS

The pending Office Action addresses claims 1 and 3-24, rejecting claims 1 and 3-23. Claim 24 is not addressed anywhere in the Office Action, and Applicants respectfully request clarification in the next correspondence regarding the status of claim 24. By this amendment, claims 1, 17 and 21-24 are amended to recite that the deflection member has a *tapered* distal end. Support for this limitation can be found at page 18, lines 7-9. In addition, claim 7 is amended to correct a minor grammatical error in the claim language. Accordingly, no new matter is added by these amendments. Applicants respectfully request reconsideration of the application, in view of the present amendments and the remarks below.

The Prior Art Rejection

The Examiner continues to reject claims 1, 3-12, 15-21, and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,104,392 to Kittrell et al. (hereinafter the “Kittrell” reference), in view of U.S. Patent No. 5,306,245 to Heaven (hereinafter the “Heaven” reference). Claims 13 and 14 continue to be rejected over the same references above, and further in combination with U.S. Patent No. 5,129,895 to Vassiliadis et al. (hereinafter the “Vassiliadis” reference), while claim 22 continues to be rejected over Kittrell in view of Heaven, and further in view of U.S. Patent No. 4,985,028 to Isner et al. (hereinafter the “Isner” reference). For the following reasons, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejections.

The Prior Art Rejection

In his case in chief, the Examiner rejects claims 1, 3-12, 15-21, and 23 as being obvious over the combination of Kittrell and Heaven. Claims 13, 14 and 22 are rejected over the same combination, and further in view of either Vassiliadis or Isner, respectfully. The Examiner relies on Kittrell to teach the flexible elongate member, conductor and energy source of the claimed invention, except for a deflection member disposed within the first lumen of the flexible elongate member for longitudinally flexing the elongate member. To compensate for this deficiency, the Examiner combines Kittrell with Heaven, which is relied on to teach a deflection member for placement over an elongate medical device for longitudinally flexing the medical device. The Examiner then concludes that such a combination satisfies each and every

limitation of the claimed invention. Applicants disagree with the Examiner for the following reasons.

First, the combination of Kittrell and Heaven would not satisfy each and every limitation of the claimed invention. This is because Heaven discloses an *external* sheath or tube for placement over a flexible medical device which is able to steer and bend the flexible medical device through a lumen. The claimed invention, in contrast, recites an *internal* deflection member that is “*disposed within the first lumen* of the flexible elongate member.” The combination of Kittrell and Heaven, therefore, would result in a flexible laser catheter having on its exterior a deflectable tube for steering and bending the laser catheter. There is no teaching or motivation in Heaven to place the deflection member *within* a first lumen of the laser catheter. Accordingly, the combination of Kittrell and Heaven falls short of meeting all of the limitations of the claimed invention.

Notwithstanding the previous arguments, and in order to expedite the prosecution of this application, Applicants have also amended claims 1, 17 and 21-24 to recite that the deflectable member has a *tapered* distal end. This tapered distal end attenuates the position of the bend, deformation or distortion of the deflection member, and facilitates initial flexing when tension is applied to the proximal end of the deflection member. These advantages provided by the tapered distal end are highlighted on page 18, lines 9-11 and 27-28 of Applicants’ specification. As clearly stated in col. 4, lines 4-7 of Heaven, the deflectable tube of Heaven has a uniform diameter from the first end to the second end. Thus, even if Kittrell and Heaven were so combined, the resulting combination would not provide a deflectable member having a tapered distal end, as is now required of the claimed invention.

For the same reasons that the combination of Kittrell and Heaven fails to satisfy the limitations of claims 1, 17, and 21-24, Applicants respectfully submit that claims 13, 14 and 22 are also not anticipated or rendered obvious by this combination. And because the combination of Kittrell and Heaven fails to disclose the invention substantially as claimed, their deficiencies would not be overcome by their combination with either Vassiliadis or Isner, as suggested by the Examiner.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By Tram Anh T. Nguyen
Tram Anh T. Nguyen

Registration No.: 47,257
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
Tel.: (617) 439-2734
Fax: (617) 310-9734
Attorneys for Applicant

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